

# **CHARTER OF THE CITY OF AUBURN**

## **PREAMBLE**

**WE THE PEOPLE** of the City of Auburn declare our intent to restore to our community the historic principles of self-governance inherent in the doctrine of home-rule. Sincerely committed to the belief that local government has the closest affinity to the people governed, and firm in the conviction that the maximum economic, fiscal and policy-making independence of local government will better serve and promote the health, safety and welfare of all the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the City of Auburn.

## **CHARTER Article I Municipal Affairs**

### **Section 100. Municipal Affairs**

Each of the responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory and common law of the State of California, is hereby declared to be a municipal affair or concern, the performance of which is unique to the benefit of the citizens of the City of Auburn.

### **Section 101. Powers**

The City shall have all powers that a City can have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

### **Section 102. Incorporation and Succession**

The City shall continue to be a municipal corporation known as the City of Auburn. The boundaries of the City of Auburn shall continue as now established until changed in the manner authorized by law. The City shall remain vested with and shall continue to own, possess, control and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it at the time this Charter takes effect. It shall be subject to all debts, obligations and liabilities, which exist against the City at the time this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superceded by proper authority.

## **Article 2**

## **Form of Government**

### **Section 200. Form of Government**

The municipal government established by this Chapter shall be known as the “Council-Manager” form of government. The City Council will establish the policy of the City and the City Manager will carry out that policy.

### **Section 201. Elected Officials**

The City Council shall consist of five members, each elected at-large and who shall be the sole elected officials in the city. The City Council shall enact an ordinance providing for the appointment or election of a Council Member in the case of a vacancy. The minimum qualifications for a Council Member shall be the same as that provided in the Election Code and Government Code for Council Members of general law cities.

### **Section 202. Council Member Compensation**

The salary of the Mayor and Council Members shall continue to be set pursuant to the California Government Code where the formula considers city population and state law. No Council Member shall receive a pension or unemployment insurance.

### **Section 203. Elections**

The election of the City Council shall be conducted in accordance with the state Election Code. The powers of initiative, referendum and recall shall apply in the City as they do in general law cities under the applicable provisions of state and federal law.

## **Article 3**

## **Fiscal Accountability and Transparency**

### **Section 300. Performance-Based Management and Budget**

The City shall each year enact a Performance-Based Budget, which shall include, but not be limited to, information about revenues, expenditures, assets, liabilities, Council-established goals, department and program objectives and measurable service levels provided to city residents and business owners. The City shall place on its Internet Website up-to-date budgetary and other information that shows how tax and fee revenues received by the City are being used to provide services to Auburn residents and business owners.

### **Section 301. Economic and Community Development**

The City shall encourage, support, and promote economic development and community development and preserve and enhance the small town character of Auburn.

### **Section 302. Public Works Contracts**

The City shall comply with state law applicable to general law cities with regard to competitive bidding for public works contracts and contracts for professional services based on demonstrated competence and professional qualifications.

### **Section 303. Prevailing Wage**

No City contract shall require payment of the prevailing wage schedule unless: the prevailing wage is legally required, and constitutionally permitted to be imposed, by federal or state grants pursuant to federal or state law; or the project is considered by the City Council to be a municipal affair of the City; or payment of the prevailing wage schedule is authorized by resolution of the City Council. Payment of the prevailing wage schedule, if authorized hereunder, shall use the pertinent rates published by the State of California.

**Section 304. Bid Preferences for Placer County-Based Firms.**

The City may, by ordinance, establish bid preferences for firms that are based in Placer County to the extent permitted by state and federal law. The City shall establish all standards, procedures, rules or regulations to regulate all other aspects of public contracting.

**Section 305. Supporting Volunteers in Auburn**

The City seeks to support volunteers in creating a higher quality of life for Auburn citizens and as such declares itself exempt from any state laws or regulations that would make it more difficult or expensive for volunteers to participate in any community project, whether funded with city revenues or not.

**Section 306. Limits on Taxing Authority**

This Charter shall not be interpreted as giving the City greater authority to raise the level of taxes or fees or to create new taxes or fees beyond the powers granted to general-law cities.

**Article 4  
Revenue Retention**

**Section 400. Reductions Prohibited**

Revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

**Section 401. Mandates Limited**

No person, whether elected or appointed, acting on behalf of the City, shall be required to perform any function which is mandated by any other level of government, unless and until funds sufficient for the performance of such function are provided by said mandating authority.

**Article 5  
General Laws**

**Section 500. General Law Powers**

In addition to the power and authority granted by the terms of this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws and regulations and to take all

actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

## **Article 6**

### **Interpretation and Amendment**

#### **Section 600. Construction & Interpretation**

The language contained in this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter that is a municipal affair. Every reference in this Charter to state or federal law shall mean that law as it exists when this Charter takes effect or as it may thereafter be amended.

#### **Section 601. Title**

This Act shall be known as the “Home Rule for Auburn Charter of 2012.”

#### **Section 602. Severability**

If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

#### **Section 603. Amendment to Charter, revised or repealed**

This Charter, and any of its provisions, may be amended by a majority vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the City Council.